



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 132

WEDNESDAY, MARCH 1, 2006

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to fish and wildlife license violations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO
READ AS FOLLOWS:

(1) The department may enter into reciprocal agreements with one (1) or more states relating to violations of hunting and fishing laws. Upon entering such an agreement, the department shall promulgate an administrative regulation adopting the provisions of the agreement and incorporating the entire document by reference.

(2) The department may, pursuant to a reciprocal agreement and administrative regulation authorized by subsection (1) of this section, deny, suspend, revoke, or reinstate:

(a) A hunting, fishing, or trapping license; or

(b) A privilege, in the case of an individual who is license exempt.

Section 2. KRS 150.280 is amended to read as follows:

(1) Except as provided by administrative regulation, a person shall not propagate or hold protected wildlife without obtaining a permit to do so from the department. The department shall promulgate administrative regulations governing all such activity and prescribing permit fees. Any permit issued pursuant to this section may be revoked for a violation by the holder thereof of any of the **provisions of this chapter, any administrative regulation of the department, or hunting, fishing, or wildlife** laws of **the federal government**~~[Kentucky or of any administrative regulation of the department]~~.

(2) The department shall by administrative regulation identify species of wildlife potentially damaging to native ecosystems and shall prohibit the transporting or holding of these wildlife.

Section 3. KRS 150.990 is amended to read as follows:

1 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
 2 device used or possessed contrary to the provisions of this chapter or any
 3 administrative regulation promulgated by the commission thereunder shall
 4 constitute a separate offense. The penalties prescribed in this section shall be for
 5 each offense.

6 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by
 7 a conservation officer or peace officer of this Commonwealth for violation
 8 of this chapter or any administrative regulation promulgated thereunder
 9 shall forfeit his or her license, or if that person is license exempt, shall
 10 forfeit the privilege to perform the acts authorized by the license. The
 11 individual shall not be permitted to purchase another license or exercise the
 12 privileges granted by a license until the citation or summons is resolved.
 13 The court shall notify the department whenever a person has failed to
 14 appear pursuant to a citation or summons for a violation of this chapter or
 15 any administrative regulation promulgated thereunder.

16 (b) Any person who violates any of the provisions of this chapter or any
 17 administrative regulations promulgated by the commission thereunder may, in
 18 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
 19 of this section, forfeit his license, or if that person is license exempt, may
 20 forfeit the privilege to perform the acts authorized by the license and shall not
 21 be permitted to purchase another license or exercise the privileges granted by
 22 a license during the same license year. No fines, penalty, or judgment assessed
 23 or rendered under this chapter shall be suspended, reduced, or remitted
 24 otherwise than expressly provided by law. Any person who violates any
 25 administrative regulation which has been or may be promulgated by the
 26 commission under any provisions of this chapter shall be subject to the same
 27 penalty as is provided for the violation of any provisions of this chapter under

1 which the administrative regulation is promulgated.

2 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
3 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
4 150.470, 150.603, 150.235(1), 150.330(2), or 150.470, or any of the provisions of
5 this chapter or any administrative regulation promulgated by the commission for
6 which no definite fine or imprisonment is fixed shall be fined not less than
7 ~~fifty~~~~[twenty-five]~~ dollars ~~(\$50)~~~~[(25)]~~ nor more than ~~five~~~~[two]~~ hundred dollars
8 ~~(\$500)~~~~[(200)]~~.

9 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
10 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
11 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than ~~fifty~~~~[twenty-five]~~
12 dollars ~~(\$50)~~~~[(25)]~~ nor more than ~~five~~~~[two]~~ hundred dollars ~~(\$500)~~~~[(200)]~~ or be
13 imprisoned for not more than six (6) months, or both. Also, any person violating the
14 provisions of KRS 150.300 shall be assessed treble damages as provided in KRS
15 150.690 or 150.700. Damages assessed under this subsection shall be ordered to be
16 paid directly to the department. The court shall not direct that the damages be paid
17 through the circuit clerk.

18 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
19 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
20 hundred dollars (\$500).

21 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
22 150.370, 150.330(1), or 150.235(2), (3), or (4) shall be fined not less than one
23 hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for
24 not more than six (6) months, or both.

25 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
26 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
27 imprisoned for not more than six (6) months, or both, and in addition to these

1 penalties shall be liable to the department in an amount not to exceed the
2 replacement value of the fish and wildlife which has been killed or destroyed. Costs
3 assessed for the restoration of wildlife under this subsection shall be ordered to be
4 paid directly to the department. The court shall not direct that the costs be paid
5 through the circuit clerk.

6 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
7 administrative regulations issued thereunder shall for the first offense be fined not
8 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
9 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
10 more than one thousand five hundred dollars (\$1,500); and for any subsequent
11 offense, be fined two thousand dollars (\$2,000).

12 (9) Any person who violates the provisions of KRS 150.520 or administrative
13 regulations issued thereunder shall, if the violation relates to methods of taking
14 mussels, for a first offense be imprisoned in the county jail for no more than thirty
15 (30) days; for a second offense be imprisoned in the county jail for no more than six
16 (6) months; and for any subsequent offense be imprisoned in the county jail for no
17 more than one (1) year. The penalties for violation of this subsection shall be in
18 addition to the penalties for violation of subsection (8).

19 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or
20 subsections (2) or (3) of KRS 150.450 shall be fined not less than one hundred
21 dollars (\$100) nor more than one thousand dollars (\$1,000).

22 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
23 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
24 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
25 (1) year, or both. In addition to the penalties prescribed above, he shall forfeit his
26 license or, if license exempt, the privilege to perform the acts authorized by the
27 license for a period of one (1) to three (3) years and shall be liable to the department

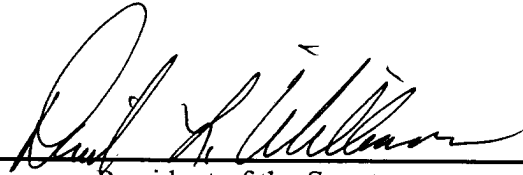
1 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
2 violation of KRS 150.390 and for violations of subsection (4) of KRS 150.092 shall
3 be liable to the landowner or occupant for reasonable compensation for damages.
4 Wildlife replacement costs assessed under this subsection shall be ordered to be
5 paid directly to the department. The court shall not direct that the damages be paid
6 through the circuit clerk. Damages assessed under this subsection shall be ordered
7 to be paid directly to the landowner or occupant. The court shall not direct that the
8 damages be paid through the circuit clerk. Any person who possesses, takes, or
9 molests a wild elk in violation of KRS 150.390 or administrative regulations
10 adopted under authority of that section shall be fined not less than one thousand
11 dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for up
12 to six (6) months, or both. In addition to these penalties, the person shall pay to the
13 department an amount not to exceed the greater of the replacement cost of the wild
14 elk or double any monetary gain realized from the illegal activity and shall forfeit
15 his or her license, or if license exempt, the privilege to perform the acts authorized
16 by the license for a period of one (1) to three (3) years.

17 (12) Any person who violates any of the provisions of KRS 150.090 other than a
18 criminal homicide or an assault against an officer enforcing the provisions of this
19 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
20 be guilty of a Class A misdemeanor.

21 (13) Any person who commits a criminal homicide or an assault against an officer
22 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
23 regulations issued thereunder shall be subject to the penalties specified for the
24 offense under KRS Chapter 507 or 508, as appropriate.

25 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
26 violation of KRS 150.710. A subsequent conviction shall be a Class A
27 misdemeanor.

1 (15) Any person who violates the provisions of KRS 150.092 or the administrative
2 regulations promulgated thereunder for which no other penalty is specified
3 elsewhere in this section shall for the first offense be fined not less than one
4 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
5 offense, be fined not less than three hundred dollars (\$300) nor more than one
6 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license, or if
7 license-exempt, the privilege to perform the acts authorized by the license, for one
8 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
9 imprisoned in the county jail for up to one (1) year, or both. In addition to the
10 penalties prescribed in this subsection, the violator shall be liable to the landowner
11 or tenant for the replacement cost of any property which was damaged or destroyed
12 by his actions. Damages assessed under this subsection shall be ordered to be paid
13 directly to the landowner or the tenant. The court shall not direct that the damages
14 be paid through the circuit clerk.

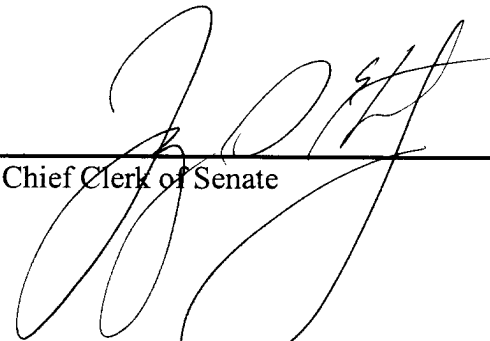


President of the Senate



Speaker-House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date